

REMARKS

Upon entry of the amendment, Claims 1-12 will be pending, of which Claims 1, 6 and 12 are independent claims. Claim 12 is a new claim. The amendment to the title merely inserts the word "for" to correct an obvious typographical error. No new matter has been added.

1. The Patent Office rejected claims 1-11 under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6,322,315 to Schmidt, et al. This is respectfully traversed for the reasons stated below.

(A) With respect to claim 1, the Patent Office stated that Schmidt disclosed: "said separation occurring by lateral introduction of a first 46 and second 50 separator into the stack being formed and from opposites with respect to the stack same for separating the stack located underneath and for leaving at least one wing 70 of sheet hanging free between said two separators." (Office Action; page 2, third bullet).

Similarly, with respect to claim 6, the Patent Office stated that Schmidt disclosed "movable separators 46, 50 moving laterally into sack (sic) from opposite sides ... (C10/L65-67)." (Office Action; page 4, second paragraph.)

This, however, is incorrect. The separation of the stack is not performed by separators 46 and 50. Rather, the separation of the stack is performed by count fingers 38 and 40. (Schmidt, Col. 7, line 7 – Col. 8, line 19; Figs. 2 - 5.) The fingers 38 and 40 move in to create a gap between stacks. The separator 50 merely moves in to maintain that separation after it was created by insertion of the count fingers 38 and 40. Also, note that once the count fingers 38 and 40 are retracted, only separator 50 maintains the separation between the stacks; separator 46 merely rests on top of the completed stack to keep it in place during the subsequent downward movement of the completed stack. (Schmidt, Col. 8, lines 55-62; Fig. 5.)

Independent claims 1, 6 and 12 further require the two separators to leave "at least one wing of sheet hanging free between said two separators." If Schmidt fingers 38 and 40 are considered to be the claimed separators then there is not at least one wing of sheet hanging free because the Schmidt stacks have not been separated enough to allow a wing of sheet to hang free (Schmidt; Figs. 1-4). Further, with respect to Claim 12, if separators 46 and 50 are considered to be the claimed separators then the wing 70 hangs from one end, not at about half of the width (Schmidt, Fig. 5).

In addition, new Claim 12 requires "the two separators being introduced in the stack for about half the width bearing together the stack being formed". Although Schmidt fingers 38 and

40 are only introduced halfway into the stack, the Schmidt separators 46 and 50 are introduced fully across the stack, one at the bottom of the new stack and one across the top of the completed stack.

(B) With respect to Claim 1, the Patent Office also stated that Schmidt disclosed: "moving a sheet stretching board 48, suitable for provisionally supporting the stack and stretching said or each wing, with a portion of wing of sheet exceeding said sheet stretching board (Fig. 10; C10/165-67)." (Office Action; page 3, first bullet.) With respect to Claim 6, the Patent Office stated that Schmidt disclosed "a sheet stretching board 48." (Office Action; page 4, second paragraph.)

This, however, is also incorrect. The fold over fingers 48 of Schmidt never support the stack. Rather, the fingers 48 are only used for folding the sheet – the stack is supported first by the separator 50 and then by the stack building carriage 10. (Schmidt, Figs. 10 and 11.)

Further, it should be noted that Hauschild, U.S. Patent No. 5,730,695, previously cited by the Patent Office, neither suggests nor discloses the use of a separate sheet stretching board, but simply uses the existing carrier fork 23 and adds a blower 23". (Hauschild, Col. 6, lines 32-53; Fig. 6.)

(C) Therefore, as seen above, Claims 1, 6 and 12 are not anticipated by Schmidt.

2. Claims 1, 6, and 12 require first and second separators which separate the completed stack from the stack being formed and which leave at least one wing of sheet hanging free between the separators, and also require a sheet stretching board which both provisionally supports the stack and stretches a wing. The prior art neither suggests nor discloses these dual functions for these two items, and Hauschild does not disclose a sheet stretching board at all.

One improvement provided by this is that if the sheet stretching board stretches the freely hanging wing of a sheet and also provisionally supports the stack when the separators are withdrawn, then this allows the separators to be available for use for subsequent separation operations.

In addition, with respect to Claim 12, the claim requires that the separators be introduced for about half of the width of the stack, whereas Schmidt's separators 46 and 50 are inserted the full width of the stack, thus taking longer.

3. Therefore, Claims 1, 6 and 12 are not anticipated by Schmidt nor by Hauschild.

4. In addition, there would be no motivation or suggestion to combine Schmidt and Hauschild. If Schmidt's separators 46 and 50 are redesigned to be only half the width of the stack then, as only separator 50 supports the stack being formed, the stack being formed would be supported on only one half of its bottom, thus creating the possibility that the stack would sag or slip on the unsupported side, potentially causing the tissues to be crumbled and/or part of the stack to fall loose into the machine. Adding Schmidt's sheet stretching board to Hauschild introduces an element that serves no purpose as Hauschild already provides for sheet stretching without that extra element. Such an addition introduces additional cost and complexity without additional benefit and, therefore, the motivation would be to not combine them in this way. Therefore, Claims 1, 6 and 12 are not obvious in view of Schmidt and Hauschild, singly or in combination.

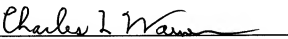
5. Accordingly, as shown above, independent Claims 1, 6 and 12 are patentable over Schmidt and Hauschild.

6. Claims 2-5 and 7-11 depend from Claims 1 and 6 and, therefore, are also patentable over Schmidt and Hauschild.

CONCLUSION

Applicant submits that the patent application is now in condition for allowance and respectfully requests such action. If the Examiner has any questions that can be answered by telephone, or believes that there are any issues which can be resolved by an Examiner's Amendment, please contact the undersigned at the telephone number listed below.

Respectfully submitted,
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